

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

)

) MB Docket No. 04-233

)

Broadcast Localism)

COMMENTS OF
INTERNATIONAL BROADCASTING NETWORK

I

International Broadcasting Network ("IBN") hereby submits its comments in response to the Report on Broadcast Localism and Notice of Proposed Rulemaking adopted by the Commission on December 18, 2007, and released on January 24, 2008. Because of time constraints, IBN's comments will be brief and limited to a few matters of great importance.

II

Although the Commission's proposals may have been well intended, they are not well suited to the desired objective. If adopted, they will lead to less localism rather than more. Broadcasting stations are already overburdened with unnecessary regulations, and that is adversely impacting their ability to serve the public interest. If the proposed regulations are adopted, broadcasters will be forced to shift their limited resources away from serving the public interest and toward compliance with counterproductive regulatory measures. Moreover, the increased burden will significantly drive up operational costs and force many broadcasters into bankruptcy. That will lead to loss of service and increased consolidation in an industry that is already struggling to survive in an era of economic downturn.

III

There are constitutional issues that have not been adequately addressed. These relate primarily to the proposal that permanent advisory committees be created for the purpose of advising licensees on programming content. Such committees, having been mandated by the federal government, would undoubtedly feel a great sense of empowerment and authority. Community activists would eagerly seek to impose their narrow views of what should and should not be broadcast without regard to the many factors each broadcaster must weigh in making programming choices. The quality and variety of programming would inevitably suffer. More importantly, the imposition of such committees by governmental edict would be of questionable constitutionality. For all broadcasters, freedom of speech as guaranteed by the First Amendment would be infringed. For religious broadcasters, the free exercise of religion clause of the First Amendment would also be violated. Neither the Commission nor any committee formed by governmental action should be allowed to impinge on the First Amendment rights of broadcasters.

IV

In an age of automation and increased competitiveness, the proposal that stations have operational personnel on duty 24 hours a day is not realistic. Employees with little or nothing to do will quickly become unhappy employees and may turn to activities that are inappropriate and contrary to the public interest. There is truth in the old saying that an idle mind is the devil's workshop. Employing superfluous personnel around the clock will have no positive benefit and will not promote localism. Such a requirement will serve only to drive up operational costs, divert limited resources, decrease efficiency and increase the broadcast licensee's exposure to liability.

V

The studios of many stations are presently located outside

the cities of license. Requiring stations to move their studios to locations within the boundaries of the cities of license would drive up operational costs while providing no discernable benefit to the public. Licensees should be given the freedom to determine for themselves the studio locations that are appropriate.

VI

At the heart of IBN's comments is the basic belief that burdensome regulations impede rather than promote the public interest. In many industries, businesses are moving their operations out of the United States to foreign countries where governmental regulations are much less oppressive. This is happening at an alarming rate and, unless reversed, will ultimately lead to our nation's steep decline. The Commission is just one of the many federal, state and local agencies that broadcasters must deal with. In general, the various agencies adopt rules without regard to the rules of other agencies, some of which may be in conflict. It is essential to the preservation of our nation as a world power that all agencies reduce the regulatory burden so that freedom and prosperity may once again prevail. If given the opportunity and freedom to do so, broadcasters will work their hearts out to serve the public interest with the utmost excellence. They do not need to be subjected to burdensome regulations that will inhibit their stations' viability or lead to financial ruin.

VII

For the foregoing reasons, IBN urges that the Commission reject the localism proposals that are set forth in this proceeding.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

Paul J. Broyles

5206 FM 1960 West, Suite 105
Post Office Box 691111
Houston, Texas 77269-1111

Telephone: 281-587-8900

E-Mail: IBN@sbcglobal.net

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